



**The following constitutes the order of the court.
Signed April 12, 2013**

Attorneys for the Debtor

William J. Lafferty, III
U.S. Bankruptcy Judge

U.S. Bankruptcy Judge
**UNITED STATES BANKRUPTCY COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA**

IN RE:

TYRONE D. HAYES,
DEBTOR.

CASE NO. 13-41043

CHAPTER 13

ORDER VALUING LIEN OF CITIBANK, N.A.

On March 13, 2013, Tyrone D. Hayes (the “Debtor”) filed a Motion to Determine Value of Claim Secured by Lien on Property and For Order Avoiding Lien (Citibank, N.A.) (“Motion”) against the property located at 11 Crag Court Hercules, CA 94547, Parcel ID No. 406-502-013-5 (the “Real Property”).

The court finds that notice of the Motion upon Citibank, N.A. (hereinafter the “Lienholder”) was proper. The Lienholder having failed to file timely opposition to Debtor’s motion, the court hereby orders as follows:

(1) For purposes of Debtor's chapter 13 plan only, the Second Deed of Trust Lien, recorded with the Contra Costa County Recorder Office, document # 2006-0074404-00, recorded on March 10, 2006, (hereinafter "Lien") is valued at zero, the Lienholder does not have a secured claim, and the Lien may not be enforced, pursuant to 11 U.S.C. §§ 506, 1322 (b)(2) and 1327.

(2) This order shall become part of Debtor's confirmed chapter 13 plan.

1 (3) Upon entry of a discharge or completion of plan payments in Debtor's chapter 13 case, the
2 Lien shall be voided for all purposes, and upon application by the Debtor, the court will enter an
3 appropriate form of judgment voiding the Lien.

4 (4) If Debtor's chapter 13 case is dismissed or converted to one under another chapter before
5 Debtor obtains a discharge or completes plan payments, this order shall cease to be effective and
6 the Lien shall be retained to the extent recognized by applicable nonbankruptcy law, and upon
7 application by the Lienholder, the court will enter an appropriate form of order restoring the
8 Lien.

9 (5) Except as provided by separate, subsequent order of this court, the Lien may not be enforced
10 so long as this order remains in effect.

11 IT IS SO ORDERED.

12
13 **END OF ORDER**
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COURT SERVICE LIST

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28